GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4673
ANSWERED ON:26.04.2005
CRIMINAL LAW
Barman Shri Ranen

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Law Commission has recommended for incorporation of new provisions in the criminal laws to provide for stringent punishment for the offence of rape and sexual abuse of children;

(b) if so, the details in this regard;

(c) whether the Commission has also suggested that all cases of sexual assault must be tried by special courts; and

(d) if so, the follow-up steps being taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY)

(a): Yes, Sir.

(b): After detailed discussions with various NGOs such as Sakshi, Interventions for Support, Healing and Awareness (IFSHA), All India Democratic Women`s Association (AIDWA) and the National Commission for Women (NCW), the Law Commission of India in its 172nd Report on `Review of Rape Laws` has recommended changes for widening scope of the offence in section 375 IPC and to make it gender neutral. Various other changes have also been recommended in sections 376 and 376A to 376D IPC and insertion of a new section 376E IPC dealing with unlawful sexual contact, deletion of section 377 IPC and enhancement of punishment in section 509 of IPC. The Law Commission have also recommended consequential changes in the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

(c): A non-governmental organization made suggestion to the Law Commission of India that all cases of sexual assault should be tried by special courts which shall be manned by judges, prosecutors and counselors `specially trained/sensitized to issues of sexual assault`. The Law Commission has not included this as part of its recommendation.

(d): Does not arise in view of (c) above.